



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twelfth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2233 of 2019

1 KOTTASAMY
2 MUTHUKUMARA VEDIVEL
3 VELAMAYIL

... PETITIONERS / ACCUSED (1-3)

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SURANKUDI POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.1 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.NIRMAL KUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

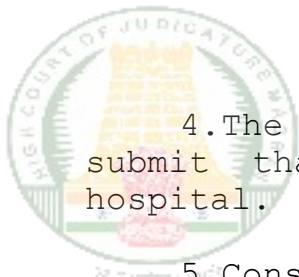
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Cr.No.1 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that there was a property dispute between the petitioners and the defacto complainant. Due to previous enmity, the petitioners joined together attacked the defacto complainant with wooden log in her agricultural field, caused injuries, for which, the respondent police registered a case.

3.The learned counsel appearing for the petitioners would submit that there was a family dispute between the petitioners and the defacto complainant and due to previous enmity, this false case has been foisted against the petitioners and the petitioners did not commit any offence as alleged by the prosecution.



4. The learned Additional Public Prosecutor for the State would submit that the injured person has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/02/2019

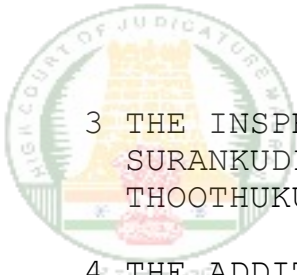
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
<https://hcservices.ecourts.gov.in/hcservices/>



3 THE INSPECTOR OF POLICE,
SURANKUDI POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.NIRMALKUMAR, Advocate (SR-3052[I] dated 13/02/2019)

ORDER

IN

CRL OP (MD) No.2233 of 2019

Date :12/02/2019

JM/PN/SAR 1/21.02.2019/3P/6C